

(6)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

:Mag. No. 04-7157 (SDW)

v.

:

DANNY DIAZ

:CONTINUANCE ORDER

This matter having been opened to the Court by the United States (Christopher J. Christie, United States Attorney, by Philip James Degnan, Assistant U.S. Attorney, appearing), and defendant Danny Diaz (Lorraine Gauli-Rufo, Assistant Federal Public Defender, appearing), for an Order granting a continuance of the proceedings in the above-captioned matter for the period of 60 days, and the defendant being aware that he has the right to have the matter submitted to a grand jury within 30 days of the date of his initial appearance, pursuant to Title 18, United States Code, Section 3161(b), and the additional right to have the matter submitted for trial within 70 days of the filing of an indictment, pursuant to Title 18, United States Code, Section 3161(c)(1), and the defendant having waived such rights, and for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:

1. The parties are conducting plea negotiations.

Successful resolution of these negotiations would render the presentation of this matter to a jury for trial in this matter

unnecessary.

2. Defendant has consented to the proposed continuance.

3. The grant of a continuance will likely conserve judicial resources.

4. Pursuant to Title 18 of the United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

WHEREFORE, it is on this 3 day of February, 2005,
ORDERED that the proceedings scheduled in the above-captioned matter are continued for the period of February 5, 2005 through April 6, 2005; and

IT IS FURTHER ORDERED that the period of February 5, 2005 through April 6, 2005 shall be excludable in computing time under the Speedy Trial Act of 1974.

HONORABLE SUSAN D. WIGENTON
UNITED STATES MAGISTRATE JUDGE